

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

MOUNTAIN TOP BEVERAGE GROUP, INC.,	:	CASE NO. C-1-01-832
	:	
Plaintiff,	:	District Judge Susan J. Dlott
	:	
v.	:	
	:	
WILDLIFE BREWING N.B., INC., et al.,	:	<u>MOTION FOR A SCHEDULING</u>
	:	<u>CONFERENCE</u>
Defendants.	:	
	:	

Now comes Plaintiff, Mountain Top Beverage Group, Inc., by and through counsel, and respectfully requests that the Court conduct a scheduling conference so that this case may proceed to a resolution of the remaining claims. A brief memorandum in support is attached hereto.

Respectfully submitted,

CHERNESKY, HEYMAN & KRESS P.L.L.

/s/ Thomas P. Whelley II

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MEMORANDUM IN SUPPORT

On November 21, 2003, this Court issued an Order granting the motions for summary judgment of Defendants Wildlife Brewing N.B., Inc. and Pittsburgh Brewing Company. The order disposed of only some of the claims involved in this case, as Defendant Wildlife Brewing N.B., Inc.'s claims against Plaintiff Mountain Top Beverage Group, Inc. and Third-Party Defendant B.L.S. of Sarasota are still pending. Plaintiff filed a Notice of Appeal from the Court's decision granting summary judgment to Defendants on its claims; however, following this Court's order that its November 21, 2003 decision was not a final, appealable order, Plaintiff is dismissing its appeal until such time as the Court enters a final, appealable order in this case. Accordingly, Plaintiff requests that the Court conduct a scheduling conference with respect to the remaining claims so that the case can proceed to a final resolution.

Respectfully submitted,

CHERNESKY, HEYMAN & KRESS P.L.L.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing has been served upon the following by electronic transmission on this 11th day of February, 2004:

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